

# BOARD OF PODIATRIC MEDICINE

## INITIAL STATEMENT OF REASONS

Hearing Date: June 1, 2007.

Subject Matter of Proposed Regulation:

Waiver of Requirement. This regulation permits restricted practice with a retired license

Section(s) Affected: Title 16 of the California Code of Regulations

Amend Section 1399.678

Specific Purpose of each adoption, amendment, or repeal:

Amend Section 1399.678(b):

The specific purpose for which the Board of Podiatric Medicine is proposing an amendment to this regulation is to conform to Business and Professions Code section 2439(a). Section 2439(a) was amended to include Podiatric Medicine, SB 1077 (Figueroa, Aanestad, Brulte, and Machado, Chapter 607, Statutes of 2003). This amendment will remove the language in regulation 1399.678(b) that currently permits a Doctor of Podiatric Medicine to practice medicine with a retired license.

### Factual Basis/Rationale

Business and Professions Code 2439 was amended in 2003, Chapter 607, and to state that the holder of a retired license may not engage in the practice of medicine or the practice of podiatric medicine. Amending this regulation will remove the language allowing the limited practice of podiatric medicine to **may not** practice podiatric medicine. Currently regulation 1399.678(b) allows the restricted practice of podiatric medicine and reads as follows:

1399.678(b) Any licensee so exempted by reason of retirement may not routinely engage in the practice of podiatric medicine and his or her podiatric medical practice shall be restricted as follows:

- (1) Any examining, treating and prescribing is limited to 20 patients annually.
- (2) Prescribing only Schedule IV and V controlled substances unless otherwise authorized by the board to prescribe from other schedules; the licensee's Drug Enforcement Administration (DEA) certificate shall reflect those restrictions.

Business and Professions Code reads as follows:

**2439(a)** Every licensee is exempt from the payment of the renewal fee and requirement for continuing medical education if the licensee has applied to the Division of Licensing for a retired license. The holder of a retired license may not engage in the practice of medicine or the practice of podiatric medicine. (b) If a physician and surgeon has applied to convert from retired status to active status on or after January 1, 2004, but

prior to January 1, 2005, the fee to change license status shall be waived, unless the change in status coincides with the physician and surgeon's license renewal date. The board shall refund any fees paid by a physician and surgeon to change from retired to active status after January 1, 2004, and before January 1, 2005, unless the change in status coincides with the physician and surgeon's license renewal date.

#### Underlying Data

None

#### Business Impact

This regulation will not have a significant adverse economic impact on businesses.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.